

JUN 13 2005 2:08PM

INGRASSIA FISHER & LORENZ PC



INGRASSIA FISHER & LORENZ, P.C.

7150 E. CAMELBACK, SUITE 325

SCOTTSDALE, ARIZONA 85251

Telephone: (480) 385-5060

Facsimile: (480) 385-5061

JUN 15 AM 9:30

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JUN 13 2005

FACSIMILE TRANSMITTAL SHEET

TO:
Shay, David M., Examiner

FROM:
Vincent B. Ingrassia, Reg. No. 25,732

COMPANY:
USPTO
Attn: Office of Petitions

DATE:
JUNE 13, 2005

FAX NUMBER:
703-872-9306

TOTAL NO. OF PAGES INCLUDING COVER:
24

RECEIVED

PHONE NUMBER:
703-308-4357

SENDER'S REFERENCE NUMBER:
P775 CON 3 (009.1009X1C2)

JUN 17 2005

RE:
Renewed Petition Under 37 CFR
1.137(b)

RECIPIENT'S REFERENCE NUMBER:
10/010,911

OFFICE OF PETITIONS

URGENT

FOR REVIEW

PLEASE COMMENT

PLEASE REPLY

PLEASE RECYCLE

NOTES/COMMENTS:

**EXAMINING GROUP ART UNIT 3739
FORMAL COMMUNICATION
INTENDED FOR ENTRY**

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OIPE/AP**

JUL 15 2005

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Jun. 13. 2005 2:09PM

INGRASSIA FISHER & LORENZ PC

No. 10376 P. 2



JUN 15 AM 9:30

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB:0657-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

23

Application Number

10/010,911

Filing Date

11/20/2001

First Named Inventor

Victor I. Chomlenky

Art Unit

3729

Examiner Name

Shay, David M.

Attorney Docket Number

P775 CON 3 (009,1009X1C2)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Copy Decision on Petition; and
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Copy Petition for Revival with Amendment
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ingrassia Fisher & Lorenz PC		
Signature			
Printed name	Vincent B. Ingrassia		
Date	June 13, 2005	Reg. No.	25,732

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Vincent B. Ingrassia	Date	June 13, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Jun. 13. 2005 2:09PM

INGRASSIA FISHER & LORENZ PC

No. 0376 P. 3

Appl. No. 10/010,911

Reply to Office Action of June 14, 2004



JUN 15 AM 9:30

UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. : 10/010,911 Confirmation No. 6127 JUN 13 2005
Applicant : Victor I. Chornenky
Filed : 11/20/2001
Title : DEVICE FOR DELIVERING LOCALIZED X-RAY
RADIATION TO AN INTERIOR OF A BODY AND METHOD OF
MANUFACTURE
TC/A.U. : 3739
Examiner : Shay, David M.
Docket No. : P775 CON 3 (009.1009X1C2)
Customer No. : 29,906

RECEIVED
JUN 17 2005
OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 CFR 1.137(B)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/16/2005 DALLIN 00000005 502091 10370429
01 FC:1464 130.00 DA
02 FC:1454 1370.00 BA

Sir:

This Petition is in response to the Decision on Petition mailed June 6, 2005 (copy attached). The Petition for Revival was dismissed because the Applicant inadvertently listed the wrong deposit account number to charge the fees. The correct deposit account number was correct on the Fee Transmittal and incorrect on the Amendment. The correct deposit account number for Ingrassia Fisher & Lorenz PC is 50-2091. Applicant respectfully requests reconsideration on this Petition and enclose copies of the following:

Appl. No. 10/010,911

Reply to Office Action of June 14, 2004

Petition for Revival of an Application for a Patent Abandoned Unintentionally Under 37 CFR 1.137(b) dated July 13, 2004; and

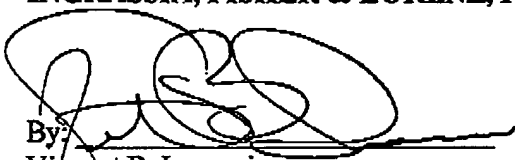
Amendment dated July 13, 2004.

Please charge the Petition fee of \$130.00 and the Petition for Revival fee of \$1,330.00 to Deposit Account No. 50-2091. If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

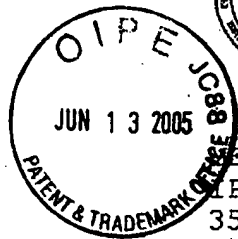
INGRASSIA, FISHER & LORENZ, P.C.

Dated: June 13, 2005


By: _____
Vincent B. Ingrassia
Reg. No. 25,732
(480) 385-5060

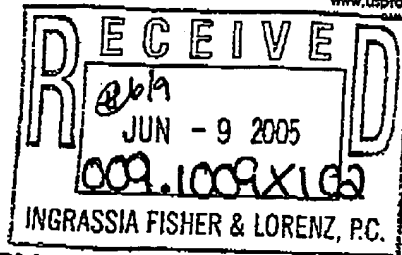


UNITED STATES PATENT AND TRADEMARK OFFICE



EDTRONIC VASCULAR, INC.
 IP LEGAL DEPARTMENT
 3576 UNOCAL PLACE
 SANTA ROSA CA 95403

Commissioner for Patents
 United States Patent and Trademark Office
 P.O. Box 1450
 Alexandria, VA 22313-1450
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JUN 06 2005

OFFICE OF PETITIONS

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JUN 17 2005

OFFICE OF PETITIONS

In re Application of
 Victor I. Chomensky
 Application No. 10/010,911
 Filed: 20 November, 2001
 Atty Docket No. P775 CON 3

DECISION ON PETITION

This is a decision on the petition filed on 10 May, 2005
 (certificate of mailing date 13 July, 2004), under 37 CFR
 1.137(b)¹, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be
 submitted within TWO (2) MONTHS from the mail date of this
 decision. Extensions of time under 37 CFR 1.136(a) are
 permitted. The reconsideration request should include a cover

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that
 where the delay in reply was unintentional, a petition may be filed to revive an
 abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable
 petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional
 application abandoned for failure to prosecute, the required reply may be met by the
 filing of a continuing application. In an application or patent, abandoned or lapsed
 for failure to pay the issue fee or any portion thereof, the required reply must be
 the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due
 date for the reply until the filing of a grantable petition pursuant to 37 CFR
 1.137(b) was unintentional. The Commissioner may require additional information where
 there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required
 pursuant to 37 CFR 1.137(c).

Application No. 10/010,911

2

letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

The application became abandoned on 5 December, 2003, for failure to timely file a response to the Notice of Non-Compliant Amendment mailed on 4 November, 2003, which set a one (1) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 14 June, 2004.

A review of Office financial records reveals that the deposit account for which authorization is provided, No. 50-2090, contains a balance of \$0.00. Therefore the Office cannot charge the required petition fee.

In the absence of the petition fee, which is required by law, the PTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. As petitioner has not asserted any grounds for the withdraw of the holding of abandonment, the petition must be dismissed. The PTO will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.²

Any renewed petition should include payment of the petition fee.

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

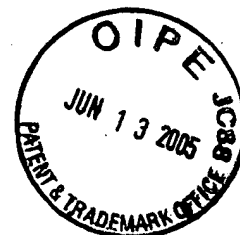
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703)872-9306
Attn: Office of Petitions

² See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

Auto-Reply Facsimile Transmission



TO: Fax Sender at 4803855061

Fax Information

Date Received:

Total Pages:

7/13/2004 5:27:56 PM [Eastern Daylight Time]

16 (Including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Cover
Page
=====>

JUN 13 2004 2:10PM INGRASSIA FISHER & LORENZ PC		No. 2862 P. 1	
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMBERLACK, SUITE 325 SCOTTSDALE, ARIZONA 85224 Telephone: (480) 385-5060 Facsimile: (480) 385-5061			
FACSIMILE TRANSMISSION SHEET			
TO:	FROM:		
Shay, David M., Examiner	Vincent B. Ingrassia, Reg. No. 25,730		
COMPANY:	DATE:		
USPTO	JULY 13, 2004		
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:		
703-872-9306	16		
PHONE NUMBER:	TRANSMISSION NUMBER:		
703-308-4557	2775 CCIN 2 (008:1005X1C2)		
RE:	RECEIPTED AND RECEIVED NUMBER:		
Position for Review:	10/010,911		
Amendment:			
URGENT FOR REVIEW PLEASE COMPLY PLEASE REPLY PLEASE ADVISE			
NOTES/COMMENTS:			
EXAMINING GROUP ART UNIT 3730 FORMAL COMMUNICATION INTENDED FOR ENTRY			
<small> INFORMATION IS DISCLOSED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS UNCLASSIFIED, CONFIDENTIAL AND EXCEPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE ADDRESSEE OF THIS MESSAGE IS NOT THE DESIGNATED ADDRESSEE, OR THE ADDRESSEE OF A CONFIDENTIALITY OR PROPRIETARY RIGHTS MESSAGE, YOU ARE REQUESTED TO NOTIFY THE ADDRESSEE OF THE MESSAGE, AND TO ADVISE THE OFFICE OF THE ADDRESSEE OF THIS COMMUNICATION IS STRICTLY CONFIDENTIAL. IF YOU HAVE BEEN NOTIFIED OF THIS COMMUNICATION BY EMAIL, PLEASE NOTIFY US BY EMAIL AT: TEL: 703-308-4557 AND RETURN OUR EMAIL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU. </small>			
<small> PAGE 016 * RCVD AT 7/13/2004 5:27:56 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-1/8 * DNIS:8729306 * CSID:4803855061 * DURATION (mm-ss):06-24 </small>			

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OFFICE OF PETITIONS

* * * Transmission Result Report (MemoryTX) (Jul. 13. 2004 2:31PM) * * *

1) INGRASSIA FISHER & LORENZ PC
2)

Date/Time: Jul. 13. 2004 2:27PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
2862 Memory TX		17038729306	P. 16	OK	

Reason for error

E. 1) Hang up or line fall
E. 3) No answer

E. 2) Buay

E. 4) No facsimile connection

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7150 E. CAMERBACK, SUITE 325
SCOTTSDALE, ARIZONA 85251
Telephone: (480) 385-5060
Facsimile: (480) 385-5061

FACSIMILE TRANSMISSION SHEET

TO:	FROM:
Shoy, David M., Esq.	Vincent E. Esposito, Esq. No. 25722
CC:	Date:
USPTO	JULY 13, 2006
PAGE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-672-9306	16
RECEIVED:	SENDING REFERENCE NUMBER:
703-308-4357	PTT CON 2 (001000010)
RE:	TRANSMISSION REFERENCE NUMBER:
Petition for Review	10/010911
Amendment	

URGENT FOR REVIEW - PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Route/Change/12

EXAMINING GROUP ART UNIT 3733
FORMAL COMMUNICATION
INTENDED FOR ENTRY

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7150 E. CAMELBACK, SUITE 325

SCOTTSDALE, ARIZONA 85251

Telephone: (480) 385-5060

Facsimile: (480) 385-5061

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Shay, David M., Examiner	Vincent B. Ingrassia, Reg. No. 25,732
COMPANY:	DATE:
USPTO	JULY 13, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703-872-9306	16
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
703-308-4357	P775 CON 2 (009.1009X1C2)
RE:	RECIPIENT'S REFERENCE NUMBER:
Petition for Revival Amendment	10/010,911

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

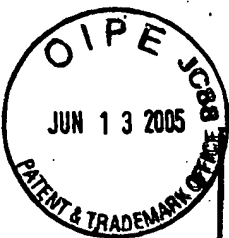
NOTES/COMMENTS:

**EXAMINING GROUP ART UNIT 3739
FORMAL COMMUNICATION
INTENDED FOR ENTRY****RECEIVED**

JUN 17 2005

OFFICE OF PETITIONS

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PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,330.00)

Complete if Known		RECEIVED JUN 17 2005 OFFICE OF PETITIONS
Application Number	10/010,911	
Filing Date	11/20/2001	
First Named Inventor	Victor I. Chornenky	
Examiner Name	Shay, David M.	
Art Unit	3739	
Attorney Docket No.	P775 CON 2 (009.1009X1C2)	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account

Deposit Account Number: 50-2091
 Deposit Account Name: Ingrassia Fisher & Lorenz, P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 285	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
-20**	X	18.00	
-3**	X	86.00	
Multiple Dependent			

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code		
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 280	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	**Reissue independent claims over original patent	
1205 18	2205 9	***Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 215	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavowable	
1453 1,330	2453 665	Petition to revive - unintentional	1,330
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1450 130	1450 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1330.00)

SUBMITTED BY

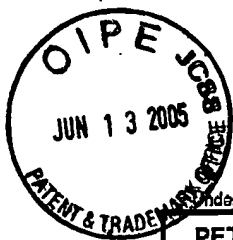
Complete if Applicable

Name (Print/Type)	Vincent B. Ingrassia	Registration No. (Attorney/Agent)	25,732	Telephone	(480) 385-5080
Signature		Date	7/13/04		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/84 (11-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

P775 CON3 (009.1009X1C2)

First named inventor: Victor I. Chomenky

Application No.: 10/010,911

Art Unit: 3739

Filed: 11/20/2001

Examiner: Shay, David M.

RECEIVED**CENTRAL FAX CENTER****JUN 13 2005**

Title: DEVICE FOR DELIVERING LOCALIZED X-RAY RADIATION TO AN INTERIOR OF A BODY AND METHOD OF MANUFACTURE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-8916**RECEIVED****JUN 17 2005****OFFICE OF PETITIONS**NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-8282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))**2. Reply and/or fee****A. The reply and/or fee to the above-noted Office action in**the form of an Amendment (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/54 (08-03)

Approved for use 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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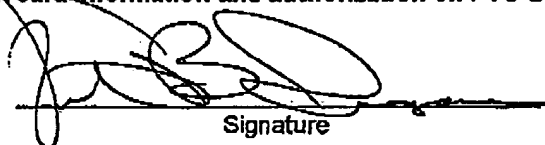
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

7/13/04
Date


Signature

Telephone
Number: 480 385-6060

Vincent B. Ingrassia, Reg. No. 25,732

Typed or printed name

7150 E. Camelback Road, Suite 325

Address

Scottsdale, AZ 85251

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

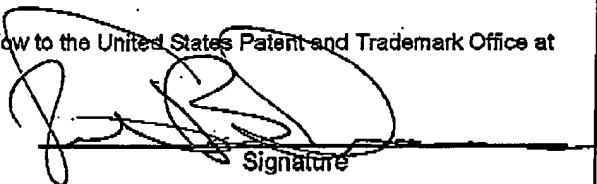
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703)872-9306.

7/13/04
Date


Signature

Vincent B. Ingrassia

Type or printed name of person signing certificate